UNITED
NATIONS

A

General Assembly

Distr.
LIMITED

A/AC.182/L.60/Rev.1
29 January 1990

ORIGINAL: ENGLISH

SPECIAL COMMITTEE ON THE CHARTER
OF THE UNITED NATIONS AND ON
THE STRENGTHENING OF THE ROLE
OF THE ORGANIZATION
12 February-2 March 1990

WORKING PAPER SUBMITTED BY BELGIUM, THE FEDERAL REPUBLIC OF GERMANY, ITALY, JAPAN, NEW ZEALAND AND SPAIN

Fact-finding by the United Nations to assist in the maintenance of international peace and security

I

1. In performing its functions for the maintenance of international peace and security, the United Nations should have full knowledge of all relevant facts. To this end it should consider undertaking fact-finding activities. For the purpose of the present paper fact-finding means any activity designed to ascertain facts necessary for the making of decisions by the competent United Nations organs in the field of the maintenance of international peace and security.

2. As soon as a potentially dangerous situation is identified, the United Nations should consider sending a fact-finding mission to the relevant areas, unless all the facts can be obtained through the use of the existing information-gathering capabilities of the Secretary-General.

II

3. Fact-finding missions may be undertaken to gain an impartial and detailed knowledge of the facts. In deciding if and when a fact-finding mission should be undertaken, the competent United Nations organ should also keep in mind that the fact-finding mission can signal the concern of the United Nations as a whole and serve as a means for building confidence. Precautions should be taken so that the fact-finding mission results rather in defusing than in aggravating the situation.

4. In accordance with the Charter of the United Nations, fact-finding missions may be undertaken, in the context of their different roles in maintaining

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international peace and security, by the Security Council, the General Assembly and the Secretary-General.

5. The Secretary-General should consider undertaking fact-finding missions in areas where in his opinion a dangerous situation may arise or exists. He may, where appropriate, bring the information obtained to the attention of the Security Council.

6. Any State should consider bringing any situation potentially dangerous to the maintenance of international peace and security, where the facts are disputed, to the attention of a competent organ of the United Nations, which should consider effective ways to ascertain such facts.

7. Any request for the sending of a United Nations fact-finding mission by a State concerned to its territory, should be given expeditious consideration.

8. In deciding to whom to entrust the conduct of a fact-finding mission, the Security Council and the General Assembly should give preference, in general, to the Secretary-General.

9. The Secretary-General should be encouraged to prepare and update lists of experts in certain technical fields so as to have them available at any time for fact-finding missions.

10. Once the decision has been made to undertake a fact-finding mission, the mission should be dispatched without delay.

11. Fact-finding missions should be given clear terms of reference by the sending United Nations organ. Upon completion of its task, each United Nations fact-finding mission shall render such reports as may be determined by the sending United Nations organ.

12. Fact-finding missions should perform their task in an impartial way. Their members shall not seek or receive instructions from any Government or from any other authority external to the United Nations.

13. States should follow a policy of not refusing to admit United Nations fact-finding missions to their territory. 1/

14. The sending United Nations organ is encouraged to make it known to the receiving State that it shall presume the latter's consent to admit the mission if no reply is received within a given short time.

15. In the event a State refuses to admit a United Nations fact-finding mission to its territory, it should inform the sending United Nations organ without delay, indicating also the reasons for its refusal. It should keep the possibility of admitting the fact-finding mission under active review.

16. States may at any time declare that they commit themselves to admit to their territory any United Nations fact-finding mission dispatched to assist in the maintenance of international peace and security. Such States shall be given an opportunity to voice their views to the sending United Nations organ.

17. These general unilateral declarations may also be made only for certain types of fact-finding missions or for a certain time. The Secretary-General shall give adequate publicity to such declarations.

18. All States should co-operate with, and give full and prompt assistance to, United Nations fact-finding missions in all aspects of their activities.

19. Fact-finding missions should be granted all freedoms and facilities needed for fulfilling their task. In particular:

(a) They should promptly be admitted in the areas to which they have been dispatched;

(b) They should have freedom of movement and, in accordance with national law, full access to such places and information as they consider relevant for the performance of their task;

(c) They should be entitled to perform their tasks without any pressure or interference;

(d) They should have the right to work in full confidentiality;

(e) They should have the right to communicate freely with all persons they consider relevant for the performance of their task, with full guarantee that no harmful consequence will be incurred by these persons;

(f) They should enjoy full freedom of communication, in particular with the United Nations and among themselves, without censorship or delay;

(g) Their members should enjoy the privileges and immunities specified in the Convention on the Privileges and Immunities of the United Nations.

III

20. The Secretary-General should survey the world-wide state of international peace and security regularly and systematically to facilitate the prevention or removal by the United Nations of threats to international peace and security. Where appropriate, he should bring relevant information to the attention of the Security Council.

21. To this end he should make full use of the information-gathering capabilities of the Secretariat. Its capacity to provide early warning should be enhanced.

22. The Secretary-General should continue to strengthen the Secretariat's information-gathering capabilities. This may include, when necessary, the use of

United Nations information centres to collect publicly available information related to international peace and security.

23. The Secretary-General should encourage United Nations representatives outside Headquarters to bring to his early attention, whenever urgent, any situation which may threaten international peace and security.

Notes

1/ To be read in the light of the following suggested preambular paragraph: "Recognizing that, without prejudice to the obligation of Member States under Article 25 of the Charter, the sending of a United Nations fact-finding mission to the territory of any State requires that State's consent".

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